

REMARKS

This application was filed with forty-three claims. Claims 16-43 were previously withdrawn as being directed to non-elected inventions. Claim 1 has been rejected. The Examiner has objected to Claims 2-15 as being dependent on a rejected base claim. No claims have been amended. Therefore, Claims 1-15 are pending in the Application. Reconsideration of the application based the arguments submitted below is respectfully requested.

Claim Rejections - 35 U.S.C. § 102(b)

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Ribarich et al (U.S. Publication No. 2002/0158591). Applicant respectfully disagrees with this rejection because Ribarich does not disclose all of the limitations of Claim 1. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” Id., citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Also, “[t]he elements must be arranged as required by the claim...” Id. citing In re Bond, 910 F.2d 831 (Fed. Cir. 1990).

Claim 1 requires a dimming control circuit including “lamp dimming level control software for causing the dimming control circuit to incrementally modulate

the pulse width and frequency of the inverter control signal based on the dimming control signal and *the lamp dimming level feedback signal.*” Paragraph 3 of the Office Action cites microprocessor 22 (Fig. 1) and Paragraph 27 of Ribarich as disclosing the claimed dimming level control software. Although microprocessor 22 undoubtedly contains software and/or firmware, the software of Ribarich does not cause the dimming control circuit to regulate the pulse width and frequency of the inverter control signal based on the lamp dimming level feedback signal as specified in Claim 1.

Applicant’s specification at Paragraphs 19 and 20 explains the relationship between the dimming level control software and the lamp dimming level feedback signal found in Claim 1. According to Paragraph 19 of Applicant’s specification, the lamp dimming level feedback signal is “representative of existing lamp dimming levels and the present invention uses these signals to determine if the lamp is at desired lamp dimming levels.” As a result, Paragraph 20 of the specification explains that the dimming control software receives lamp level feedback signal and causes an adjustment of the frequency when the lamp is not operating at the desired lamp dimming level. This is not shown in Ribarich.

The microprocessor of Ribarich does not receive a feedback signal that contains information about the actual dimming level of the lamp. According to Paragraph 27 of Ribarich, microprocessor 22 is addressable by a user interface for bidirectional communication of status and commands. However, nowhere does Ribarich mention that the status and commands communicated to the microprocessor include a lamp

level feedback signal. Paragraph 27 also states that the microprocessor can communicate using a DALI protocol that provides lighting profiles for devices including “fade time, fade rate, dimming according to an algorithmic curve, and error feedback.” These lighting profiles however only refer to lamp information that is transferred during communications by the microprocessor. Nowhere does Ribarich disclose that the microprocessor 22 inputs a lamp level feedback signal in order to regulate the pulse width and frequency received by the ballast inverter.

Fig. 1 of Ribarich does not disclose all of the limitations of Claim 1. In Fig. 1 of Ribarich, feedback signals are sent to the lighting control 24. Ribarich does not state or suggest that any of these feedback signals are lamp level feedback signals. According to Paragraph 8 of Ribarich, “lamp operating parameters can be observed to provide feedback to the controller for detection of lamp faults and proper operational ranges.” In describing the detection of lamp faults and operational ranges, Ribarich states at Paragraphs 23-23:

Inverter 18 also provides lighting control feedback signals to lighting control circuit 24. The lighting control feedback signals are used to determine the status of various parameters of operation of lamp 26. Inverter 18 also has fault detection capability for detecting operational faults of inverter 18 and lamp 26.

.....

Microprocessor 22 receives fault detection signals from inverter 18 that are provided as a result of the control profile asserted by lighting control circuit 24. For example, if inverter 18 and lamp 26 experiences a *fault*, such as a broken component or operation outside of the *predetermined* ranges, inverter 18 notifies microprocessor 22 that a fault has been detected. Microprocessor 22 also receives feedback signals from lighting control circuit 24 that indicates a status of inverter 18 and lamp 26. The status

provided by lighting control circuit 24 can include specifics about detected faults and other indicia of inverter 18 and lamp 26 operations.

(Emphasis Added)

The cited paragraphs clarify that Ribarich does not disclose lamp dimming control software that incrementally modulates the pulse width and frequency control of the device utilizing a lamp dimming level feedback signal. The feedback signals in Ribarich are utilized to determine if the lamp is operating within an acceptable range of predetermined conditions. As stated in Claim 1, Applicant's lamp level feedback signal causes the inverter to adjust the current lamp dimming level to the desired dimming level even when the lamp is operating within permissible predetermined conditions. This is not taught by Ribarich. As a result, the rejection of Claim 1 under 35 U.S.C. § 102(b) should be withdrawn.

Allowable Subject Matter

Claims 2-15 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has explained above why Claim 1 (the rejected base claim) is allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the objections to Claims 2-15.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as

appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the February 21, 2007, Office Action for 2 months from May 21, 2007, to July 21, 2007. The Director is authorized to charge the \$450 extension fee and any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,

/Mark J. Patterson/
Mark J. Patterson
Registration No. 30,412
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANT

Mark J. Patterson
Waddey & Patterson, P.C.
Roundabout Plaza
1600 Division Street, Suite 500
Nashville, TN 37203
(615) 242-2400

CERTIFICATE OF TRANSMISSION

I hereby certify that this Response and Amendment for Application No. 10/726,018 is being transmitted electronically via EFS-WEB to:

Mail Stop Amendment
Commissioner for Patents

Art Unit: 2821
Examiner: Duong, Dieu Hien

on July 23, 2007.

/Mark J. Patterson, 30,412/

Mark J. Patterson
Registration No. 30,412